

# Notice of Allowability

Application No.

10/553,765

Examiner

Ruth C. Rodriguez

Applicant(s)

ELMER, HUBERT

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to communication filed on 17 September 2007.
2. ☒ The allowed claim(s) is/are 20-23 and 25-33.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

**Katherine Mitchell**  
**Primary Examiner**

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Alfred Froebrich on July 27, 2007.

The application has been amended as follows:

Claim 33, line 1, "20" has been changed to --25--.

Claim 26, line 1, "34" has been changed to --33--.

### ***Reasons for Allowance***

The following is an examiner's statement of reasons for allowance:

For claim 20, Muessel discloses a fitting for a glass door (16) comprises a fitting body (21,26), a bearing pin (32), a holding screw (33) and a safety screw (42). The fitting body has a receptacle (next to 21) and a pocket hole having an axis (Figs. 1-3). The bearing pin is received in the pocket hole (Figs. 1-3). The bearing pin is movable between an extended position (Figs. 1 and 2) where the bearing pin can engage in a counterbearing of a door frame and an unextended position (Fig. 3) where the bearing pin is substantially within the pocket hole. The holding screw is received in the fitting body and engaging the holding pin (Figs. 1-3). The safety screw is received in the fitting

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body transversely of the axis and through the pocket hole when the pin is in the extended position (Figs. 1-3). The safety screw prevents the bearing pin from moving from the extended position to the unextended position (Figs. 1-3). The safety screw has a head accessed from one side of the fitting body (Figs. 1-3). Muessel fail to disclose that the holding screw and the safety screw have respective heads that are accessed from opposite sides of the fitting body. Accordingly, it would not have been obvious to one having ordinary skill in the art at the time the invention was made to have the heads of both the holding screw and the safety screw accessed from opposite sides of the fitting body since the safety screw is perpendicular to the holding screw in order to move member 37 and the safety screw from the extended position into the unextended position and the member 37 will not be able to move the holding screw from the extended position into the unextended position if both members are accessed from opposite sides. Additionally, German Patent Document DE 89 10 569 (DE' 569) discloses a fitting (13) comprising a fitting body (13), a bearing pin (21) and a holding screw (22). The fitting body has a receptacle and a pocket hole (20) having an axis (Figs. 1 and 5-8). The bearing pin is received in the pocket hole (Figs. 1 and 5-8). The bearing pin is movable between an extended position (Figs. 5-8) where the bearing pin can engage in a counterbearing of a door frame and an unextended position where the bearing pin is substantially within the pocket hole. The holding screw is received in the fitting body and engaging the holding pin (Figs. 1-5). DE' 569 fails to disclose that the fitting further comprises a safety screw and the holding screw and the safety screw have respective heads which are accessed from opposite sides of the fitting body. Although

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Seaman teaches a fitting (18) comprising a fitting body (18), a bearing pin (6,7) and a safety pin (14) where the safety screw prevents the bearing pin from moving from the extended position to the unextended position (Fig. 1-4) and it would be obvious that the safety screw can be incorporated into the fitting of DE '569, it would not have been obvious to one having ordinary skill in the art at the time the invention was made to have respective heads of the holding screw and the safety screw being accessed from opposite sides of the fitting body because the combination will result in a safety screw that will be perpendicular to the holding screw.

Regarding claim 27, Muessel disclose a fitting for a glass door. The fitting comprises a fitting body (21,26), a bearing pin (32), a holding screw (33) and a safety pin (42). The fitting body has a receptacle (next to 21) and a pocket hole having an axis (Figs. 1-3). The bearing pin is received in the pocket hole (Figs. 1-3). The bearing pin is movable between an extended position (Figs. 1 and 2) where the bearing pin can engage in a counterbearing of a door frame and an unextended position (Fig. 3) where the bearing pin is substantially within the pocket hole. The holding screw is received in the fitting body and engages the holding pin (Figs. 1-3). The safety screw is received in member 37 transversely of the axis and through the pocket hole when the pin is in the extended position (Figs. 1-3). The safety screw prevents the bearing pin from moving from the extended position to the unextended position (Figs. 1-3). The clamping plates are arranged on opposite sides of the fitting body and the safety screw is threaded in the member 37. Muessel fails to disclose that the safety screw is received in the fitting body and that the safety screw is threaded in the other one of the clamping plates.

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Accordingly, it would not have been obvious to one having ordinary skill in the art at the time of Applicant's invention to have the safety screw received in the fitting body such that the safety screw is threaded in the other one of the clamping plates instead of having the safety screw received in the member 37 by being threaded into the member since member 37 is responsible of maintaining the holding screw from the extended position into the unextended position and such the function of member 37 will be eliminated if the safety screw is received by the fitting body and threaded in the other of the one of the clamping plates. Once again, the combination of DE '569 in view of Seaman will not anticipate claim 27 because the safety screw taught Seaman is threaded into the fitting body and it would not have been obvious to one having ordinary skill in the art at the time the invention was made to have the safety screw threaded into one of the clamping plates instead of being threaded into the fitting body.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth C. Rodriguez whose telephone number is (571) 272-7070. The examiner can normally be reached on M-F 07:15 - 15:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075.

Submissions of your responses by facsimile transmission are encouraged. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-6640.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ruth C. Rodriguez  
Patent Examiner  
Art Unit 3677

rcr  
September 28, 2007

  
**Katherine Mitchell**  
**Primary Examiner**